

New Delhi  
1<sup>st</sup> February, 2019

**To**

**Sri Sunil Arora**

Hon'ble Chief Election Commissioner  
Election Commission of India  
NirvachanSadan  
New Delhi - 110001

**Sri Ashok Lavasa**

Hon'ble Election Commissioner  
Election Commission of India  
NirvachanSadan  
New Delhi - 110001

Hon'ble Commissioners,

We are writing to you in most trying times. The times when each and every Institution built and strengthened over decades, for safeguarding Democracy and the Rule of Law, is sought to be subverted by those who have scant respect for people's will. In these trying and testing times, we are writing to you as members of an exalted constitutional institution, tasked with the responsibility of ensuring free and fair elections, which in turn is the bedrock of democracy and has repeatedly been held to be part of the unamendable basic structure of the Indian Constitution.

The founding fathers of our nation bestowed us with the Constitutionally guaranteed right to vote. In fact, much ahead of even the United States of America, our Republic proudly carried the badge of universal adult suffrage. The makers of our Constitution were unambiguously clear that each and every citizen's view should count in equal measure in deciding the destiny of our nation. Every vote is equally important and every vote must be counted, as cast. Unfortunately, developments in the recent past suggest that the most important aspect of our representative democracy i.e. holding free and fair elections, has come under a serious cloud. Electronic Voting Machines (EVMs) have emerged as a major cause of concern in the country.

As widely reported and known in the public domain, in the recently concluded elections in five States in December, 2018, there were many instances of EVMs malfunctioning in alarmingly high numbers.



There were also reports of mismatch between votes polled and votes counted (as per the ECI records) in Madhya Pradesh and Telangana. In addition, instances of EVMs and Strong Rooms becoming vulnerable to attacks and manipulations were widely recorded and reported. Added to this were incidents where there were power outages, failure of CCTV cameras at the strong rooms, detection of signals of wireless/mobile networks of a particular telecom operator in the vicinity of polling centres and strong rooms and so on and so forth. Earlier, in different parts of the country, the spectacle of pre-programmed EVMs transferring all the votes to a particular party which is in power at the Centre, irrespective of which button was pressed, were recorded and widely circulated on social media. (All of these are well documented in ECI records, including detailed complaints and representations, many handed over in person to you by leaders of political parties through visiting delegations).

All these suspicious activities/incidents raise serious doubts about the credibility of EVMs and the purity of the entire electoral process. The average voter, who is central to democracy, is rightly suspicious, confused, bewildered and dissatisfied with the current state of EVM based elections. Holding elections in largest working democracy, which decides the destiny of nearly 18% of the world's population, cannot be done in a manner which gives rise to serious doubts about the integrity of the process. The insistence of ECI on use of EVMs is certainly not adding to the credibility of the process. Anything that leads to opaqueness in the electoral process is the antithesis of democracy itself. Ideally, the ECI should have started the process of reverting to physical paper balloting well before the 2019 elections to enable it to implement such paper balloting in these forthcoming elections. Unfortunately, it is too late to expect such a reversion to paper balloting.

Attempts by the ECI to lend reassurance to India have, unfortunately, failed miserably. The hackathon offered by ECI remained a non-starter since no one was allowed to even come near the machine. Admittedly, even ECI does not know what is inside the machine. Parliament—India's Temple of Democracy—is not aware as to what processes are involved. There is no provision for any audit of these machines— neither in terms of software nor qua hardware. Significantly, there is no regulator to oversee the usage of these machines by ECI. It means that people who exercise their franchise through such machines have no means to fully comprehend the processes that their vote is subjected to, once it is cast by way of pushing a button. They are thus in the dark about the surreal and



intangible processes that their vote is surrounded by. Even top computer scientists and professionals admit that computerised voting equipment is inherently vulnerable to programming error, equipment malfunction and malicious tampering.

Hence, as stated above, the ultimate goal of the signatories hereinbelow is to seek an expeditious reversion to physical paper balloting. Since that will not be possible in the near future, we turn to a core and crucial collective demand by us. You will recollect that all EVM machines did not, till recently, have VVPAT paper trail facility. Endless attempts by political parties, many of whom are signatories' hereinbelow, including public interest litigation in the apex court, led to the central government, albeit belatedly and reluctantly, releasing the requisite funds to enable 100% VVPAT facility in all EVMs. In view of release of these funds, the ECI was good enough to officially guarantee such VVPAT availability in 100% EVMs for the 2019 elections.

The natural and consequential question which then arises is that if, after so much struggle, we do have 100% VVPAT facility, what is its use and beneficial effect if it is used to do a sample check in hardly 2.5% machines used in any election, as appears to be the current, established practice? The object of such VVPAT facility is obviously to provide a much needed partial reassurance by enabling a physical paper counter check to the electronic vote recorded in the machine. Its nonuse in over 97% cases renders it cosmetic, ornamental and meaningless and obviates the very purpose of ensuring availability of 100% VVPAT in all machines.

It is imperative that the EC should ensure that sample, physical counter check of the paper trail and matching it with the electronic vote should happen mandatorily in all, if not in at least 50% of all EVMs.

The only possible argument against this can be the engendering of a slight delay of a day or two in declaration of results. That slight delay is surely a very small price we can and should, as a nation, pay for strengthening democracy, enhancing the purity of the electoral process and for sending a much needed insignia of confidence to each and every voter.

This auditing of over 50% of EVMs with corresponding VVPATs (which in effect are paper ballots) is being practiced successfully in Venezuela by its National Electoral Council (CNE). It is a very easily



implementable reform in India with hardly any additional costs. The detailed methodology for the same, in the Indian context, can be worked out in consultation with all stakeholders.




This onerous task of redeeming the pride and prestige of the entire electoral process in the world's largest democracy is bestowed upon you and we appeal to your conscience to act and do right, so that the future of this country and of our democracy is secure.

It is not insignificant that this letter carries the assent of parties representing nearly 70% of the electorate (which backed the signatory parties in the previous polls). But in view of the public and national interest concerns expressed in this letter, we make bold to say that we represent the views of even the 30% who did not vote for us.

After counting from EV Machine, if it is found that the difference of votes cast in favor of the winning candidate and that cast in favour of second position securing candidate is less than 5% of votes cast, then in that constituency, mandatory counting of paper trail from VVPAT should be carried out in each polling station of that constituency. If there is a difference in counting of votes between EVM and VVPAT, then result in counting from VVPAT should prevail.

We hope and trust that you will receive these suggestions in the spirit of nation building in which they have been made and that you will act expeditiously and decisively to implement them.

Yours sincerely,

Name	Party	Signature
Rahul Gandhi	INC	
Sharad Pawar	NCP	
N Chandrababu Naidu	TDP	
Derek O'Brien	AITC	